

REMARKS

I. Status Of The Claims

Claims 1-106 are pending in this application.

Claims 1-106 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Application No. 2001/0018739) in view of Ginter (U.S. Patent No. 6,427,140).

Claims 1, 4, 5, 8, 10, 15, 16, 19, 20, 23, 26, and 29 are independent.

II. Rejection Under 35 U.S.C. § 103(a)

Turning to claims 1-3, 5-7, 20-22, and 23-25, Applicants note that the references, taken individually or in combination, fail to disclose, teach, or suggest the “descriptive data” of these claims, and fail to disclose, teach, or suggest, the “descriptive data” as “enterprise resource planning data” (as stated by claims 2, 6, 21, and 24) or “medical records data” (as stated by claims 3, 7, 22, and 25).

The Examiner argues that Anderson discloses the claimed “descriptive data” by disclosing an “electronic check”, the Examiner proposing that “an electronic check ... by its very nature is descriptive data relating to representation of money”.

Applicants respectfully disagree with the Examiner’s proposal, and find nothing in any of the references to support it. In fact, Anderson provides counterevidence for the proposal by disclosing “electronic check 110” as including only “check number 112”, “date 114”, “pay to the order of 116”, “payee 118”, “payee public key 119”, “amount 120”, “memo 130”, “associated document hash 132”, “payer’s signature 126”, “account certificate 136”, and

“bank certificate 138” (see, for example, Fig. 6). Applicants respectfully observe that such elements are not, and are not at all like, the claimed “descriptive data” (e.g., enterprise resource planning data or medical records data). Nor are they at all suggestive of the claimed “descriptive data”. As is known in the art, examples of enterprise resource planning data in typical enterprise resource planning systems related to, for illustrative purposes, goods in a logistics supply chain include answers to questions such as “Who made it?”, “What’s in the freight container?”, “Where did it come from?”, “Where’s it going?”, and “Who’s going to get it?”. As is further known in the art, the data also can include the data to create any number of documents including purchase orders, letters of credit, invoices, packing lists, insurance certificates, inspection certificates, bills of lading, proofs of delivery, chains of custody, chains of title, and the like.

As just discussed, Applicants find no evidence in any of the references to support the Examiner’s proposal that that “an electronic check ... by its very nature is descriptive data relating to representation of money”. Applicants do not believe that the Examiner has taken any Official Notice with respect to his proposal, but should the Examiner be taking Official Notice, Applicants hereby seasonably traverse such Official Notice in accordance with MPEP section 2144.03, respectfully requesting that the Examiner withdraw such Official Notice or provide supporting evidence.

Turning to independent claims 16 and 26, Applicants observe that the references, taken alone or in combination, fail to disclose, teach or suggest at least:

“... placing in said container descriptive data relating to said representation of money ...
further placing in said container a request for other descriptive data; and
transmitting said container as an attachment to an electronic mail message”.

The Examiner argues that Anderson discloses such matter by way of

“memorandum of a proposed transaction 66”. Applicants respectfully disagree.

The Examiner apparently likens “memorandum of a proposed transaction 66” to the claimed “request for other descriptive data”, and apparently likens “instrument 74” to the claimed “descriptive data relating to said representation of money”. However, far from even disclosing, teaching, or suggesting “memorandum of a proposed transaction 66” and “instrument 74” as being placed together in a digital rights management container which is then transmitted, Anderson discloses “memorandum of a proposed transaction 66” and “instrument 74” as being transmitted in opposite directions (see, for example, Fig. 3). In other words, while “memorandum of proposed transaction 66” is disclosed as being sent from “payee 14” to “payer 12”, “instrument 74” is disclosed as being sent from “payer 12” to “payee 14”.

Turning to independent claims 8 and 10, Applicants observe that the references, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... a first entity transmitting to the first entity’s clearing bank a cash request electronic mail message, said message requesting that an electronic representation of cash be sent to a specified second entity ...”
(emphasis added)

as stated by claim 8, and:

“...a first entity submitting a voice request demanding that an electronic representation of cash be sent to a specified second entity ...”
(emphasis added)

as stated by claim 10.

With regard to independent claims 4 and 19, Applicants respectfully submit that the references, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... said first container granting said first clearing bank permission to submit to a second party predetermined authentication data corresponding to said first party ... [and]
... said second container granting said second clearing bank

permission to submit to said first party predetermined authentication data corresponding to said second party ... ”
(see claims 4 and 19; emphasis added).

The Examiner disagrees, arguing that:

“Both Anderson ‘739 and Ginter ‘140 describe transactions utilizing authentication protocols which requires requesting and receiving permission to submit predetermined authentication data, i.e. keys, digital signatures, etc., the art of encryption and authentication is well known and described in both of the references.”
(emphasis added)

Applicants respectfully disagree. Applicants find in none of the cited references, taken individually or in combination, disclosure, teaching, or suggestion that authentication involves such requesting and receiving of permission. Should the Examiner be taking Official Notice that authentication “requires requesting and receiving permission to submit predetermined authentication data, i.e. keys, digital signatures, etc.”, Applicants hereby seasonably traverse such Official Notice in accordance with MPEP section 2144.03, respectfully requesting that the Examiner withdraw such Official Notice or provide supporting evidence.

Turning to independent claims 15 and 29, Applicants observe that the references, taken individually or in combination, fail to disclose, teach, or suggest at least:

“... having a first party and a second party exchange negotiation digital rights management containers attached to electronic mail messages in order to negotiate the information each party is willing to have used for authentication purposes ... [and] ... having said first party send to the first party's clearing bank a first permission digital rights management container attached to an electronic mail message, said first permission container granting said first clearing bank permission to submit to said second party the information said first party agreed to supply in the negotiation ...”
(see claims 15 and 29; emphasis added).

The Examiner disagrees, arguing that:

“Anderson ‘739 teaches about authentication protocols and bank transactions, [0255-0236]. Anderson ‘739 further discloses application needs per each party and their respective qualifications and protocols”.

However, Applicants respectfully observe that Anderson fails, for example, to disclose, teach, or suggest the above-stated negotiation.

In view of at least the foregoing, Applicants respectfully submit that the above-discussed claims, as well as those claims which depend therefrom, are in condition for allowance.

Moreover, with regard to the Examiner’s remarks concerning claims 1, 5, 16, 20, 23, 26, and 72, Applicants respectfully disagree with the Examiner’s suggestion that various limitations are “inherent” in claims where they are not actually stated.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3892-4002. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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By:



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